

# Progress of substantive patent harmonization in Group B+

1 February, 2018

IP5 Industry Consultation Group

Japan Patent Office

### Objective

- To move forward on substantive patent law harmonization

### Composition

- Chair: Ms. Patricia Kelly, Director General of IP Australia
- Members: IP Offices from industrialized countries, EPO and EU
- Secretariat: Japan (2018)
- B+ Sub-Group: Canada, Denmark, EPO, Germany, Hungary, Japan, South Korea, Spain, UK and USA

### User involvement

- Industry Trilateral (IT3): AIPLA, BUSINESSEUROPE, IPO and JIPA

## The basis for discussion

- Policy and Elements for a Possible Substantive Patent Harmonization Package” (presented by IT3)

## Dedicated discussion on

- The grace period
- Conflicting applications; and
- Prior user rights

## Wide representation

- IT3 + users from Australia, Canada and South Korea (KINPA) etc.
- PPAC (observer)

### IT3 reported progress on

- The definition of prior art
- Conflicting applications

### IT3 meeting schedule

- 31 January 2018 (IP5 GDTF in Japan)
- 1 March 2018 (Industry Trilateral in Japan)
- 11 June 2018 (IP5 Heads and Industry in USA)

### Agreed statement (excerpt)

The Group welcomed the decision of the Sub-Group to hold a meeting proposed for April 2018 to review progress. The Sub-Group will continue to engage with the Industry Trilateral over the coming year with the objective of bringing an Industry led patent harmonization package to the 2018 Group B+ Plenary for consideration as a basis for wider user consultation.

### Group B+ / B+ Sub-Group

April B+ Sub-Group (in Tokyo)



September B+ Sub-Group and plenary (in Geneva)

**To present a patent harmonization package**

### Industry Trilateral (IT3)

31 January (in Japan)

1 March (in Japan)

11 June (in USA)

**Thank you very much.**

